

**A G E N D A**  
**RIO DELL CITY COUNCIL**  
**REGULAR MEETING - 6:30 P.M.**  
**TUESDAY, AUGUST 21, 2012**  
**CITY COUNCIL CHAMBERS**  
**675 WILDWOOD AVENUE, RIO DELL**

*WELCOME . . . By your presence in the City Council Chambers, you are participating in the process of representative government. Copies of this agenda, staff reports and other material available to the City Council are available at the City Clerk's office in City Hall, 675 Wildwood Avenue. Your City Government welcomes your interest and hopes you will attend and participate in Rio Dell City Council meetings often.*

*In compliance with the Americans with Disabilities Act, if you need special assistance to participate in this meeting, please contact the Office of the City Clerk at (707) 764-3532. Notification 48 hours prior to the meeting will enable the City to make reasonable arrangements to assure accessibility to this meeting.*

**THE TYPE OF COUNCIL BUSINESS IS IDENTIFIED IMMEDIATELY AFTER EACH TITLE IN BOLD CAPITAL LETTERS**

**A. CALL TO ORDER**

**B. ROLL CALL**

**C. PLEDGE OF ALLEGIANCE**

**D. CEREMONIAL**

- 1) 2012/0821.01 - Commendations - Sergeant Wiener and Officer Lungi

**E. PUBLIC PRESENTATIONS**

*This time is for persons who wish to address the Council on any matter not on this agenda and over which the Council has jurisdiction. Items requiring Council action not listed on this agenda will be placed on the next regular agenda for consideration, unless a finding is made by at least 2/3rds of the Council that the item came up after the agenda was posted and is of an urgency nature requiring immediate action. Please limit comments to a maximum of 5 minutes.*

**F. CONSENT CALENDAR**

*The Consent Calendar adopting the printed recommended Council action will be enacted with one vote. The Mayor will first ask the staff, the public, and the Council members if there is anyone who wishes to address any matter on the Consent Calendar. The matters removed from the Consent Calendar will be considered individually in the next section, "SPECIAL CALL ITEMS".*

- 1) 2012/0821.02 - Approve Minutes of the August 7, 2012 Regular Meeting (**ACTION**)

- 2) 2012/0821.03 - Approve Resolution No. 1171-2012 Approving \$5,000 Budget Amendment for Suddenlink Cable Transfer Application Process, Approve Amendment to Access Humboldt Agreement, and Authorize Payment of \$5,000 to Access Humboldt to act as Agent to the City in the Ownership Transfer Process **(ACTION)**
- 3) 2012/0821.04 - Update on City Council Election Process **(RECEIVE & FILE)**
- 4) 2012/0821.05 - Status Report on Development of Capital Improvement Plan (CIP) **(RECEIVE & FILE)**

#### G. SPECIAL PRESENTATIONS

- 1) 2012/0821.06 - Adam Dias – Eagle Prairie Arts District Presentation (10-15 minutes) **(INFORMATIONAL)**
- 2) 2012/0821.07 - Wildwood Ave. Enhancement Project – Presentation by City Engineer, Merritt Perry of GHD **(ACTION)**

#### H. SPECIAL CALL ITEMS/COMMUNITY AFFAIRS

- 1) “SPECIAL CALL ITEMS” from Consent Calendar
- 2) 2012/0821.08 - Approve Wastewater Rate Study RFP and Authorize Distribution **(ACTION)**

#### I. ORDINANCES/SPECIAL RESOLUTIONS/PUBLIC HEARINGS

- 1) 2012/0821.09 - Approve Resolution No. 1157-A-2012 Denying the Albin General Plan Amendment and Zone Reclassification **(ACTION)**
- 2) 2012/0821.10 - Approve Resolution No. 1170-2012 Amending the City Budget for Park and Recreation Maintenance (Davis St. Tennis Courts) **(ACTION)**
- 3) 2012/0821.11 - Approve Resolution No. 1172-2012 Amending the City Budget for Street Maintenance and Improvements, and Declaring the Need for Emergency Repairs (Miller Ct. Drainage Ditch) **(ACTION)**

#### J. REPORTS/STAFF COMMUNICATIONS

1. City Manager
2. Chief of Police
3. Finance Director
4. Community Development Director



- K. COUNCIL REPORTS/COMMUNICATIONS
- L. STUDY SESSIONS/PUBLIC HEARINGS
- M. ANNOUNCEMENT OF ITEMS TO BE DISCUSSED CLOSED SESSION AS FOLLOWS
- N. PUBLIC COMMENT REGARDING CLOSED SESSION
- O. RECESS INTO CLOSED SESSION
- P. RECONVENE INTO OPEN SESSION
- Q. ORAL ANNOUNCEMENTS
- R. ADJOURNMENT

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***The next Regular meeting will be on September 4, 2012  
at 6:30 PM in City Hall Council Chambers***

675 Wildwood Avenue  
Rio Dell, CA 95562  
(707) 764-3532



To: Honorable Rio Dell City Council  
From: Graham Hill, Chief of Police *[Signature]*  
Through: Jim Stretch, City Manager *[Signature]*  
Date: August 21, 2012  
Subject: Commendation – Sergeant Wiener and Officer Lungi

### **Action**

Present Sergeant Wiener with the Rio Dell Police Department's Life Saving Award for his actions as described below, and present Officer Lungi with the Rio Dell Police Department's Proactive Policing Award for his actions as described below.

### **Background**

Sergeant Wiener-

On June 14<sup>th</sup>, 2012 Officers were dispatched to a residence off Riverside Drive on a report of an individual who been submersed under water for an extensive period of time. Upon arrival Sergeant Wiener removed the person from the water, and determined the individual had no pulse, and was not breathing. Sergeant Wiener applied his First Responder training and started CPR on the individual and continued until additional emergency personnel from the Rio Dell Fire Department and Fortuna Ambulance arrived on scene. Because of Sergeant Wiener's actions and subsequent life saving efforts by the other emergency personnel on scene the individual survived.

Officer Lungi-

During the month of June our community was experiencing a series of thefts from vehicles. Our department received more than ten separate theft reports. Officer Lungi discovered property that had been stolen and was able to link that property to a specific individual and recovered additional stolen property from that individual. Officer Lungi was able to directly link the suspect to more than half of the crimes through the identification of property, and the individual remains a suspect in the remaining crimes. Since the subjects arrest the thefts have ceased. Due to officer Lungi's thorough investigation and follow-up efforts these crimes were solved and the individual responsible was arrested.



Sergeant Wiener and Officer Lungi have demonstrated excellent performance and applied their training and experience which resulted in the resolution of a difficult case as well as the saving of a person's life. Both Officers are commended for their performance.

**RIO DELL CITY COUNCIL  
REGULAR MEETING  
AUGUST 7, 2012  
MINUTES**

The Regular Meeting of the Rio Dell City Council was called to order at 6:30 p.m. by Mayor Woodall.

**ROLL CALL:** Present: Mayor Woodall, Councilmembers Leonard, Marks, Thompson and Wilson

Others Present: City Manager Stretch, Finance Director Beauchaine, Wastewater Superintendent Chicora and City Clerk Dunham

Absent: Chief of Police Hill, Community Development Director Caldwell and Water Superintendent Jensen (excused)

**PUBLIC PRESENTATIONS**

Sharon Wolff said she noticed a lot of work occurring north of the City and asked if it was related to the Wastewater Treatment Plant Upgrade and Disposal Project; City Manager Stretch explained the area in question where the contractors are working is the wastewater irrigation site.

**CONSENT CALENDAR**

Mayor Woodall asked that Item 6 *Resolution No. 1168-2012 Consolidating Water Rates*, and Item 7 *Resolution No. 1169-2012 Approving Position Allocation Schedule* be removed from the consent calendar and placed under *Special Call Items* for separate discussion; Likewise, Councilmember Wilson asked that Item 8, *Suddenlink Transfer Application* be removed for separate discussion.

Motion was made by Marks/Leonard to approve the consent calendar including approval of minutes of the July 10, 2012 special meeting; approval of minutes of the July 17, 2012 regular meeting; report on disposal of surplus property (John Deere Mower Model F1194); approval of Progress Pay Request No. 5 to Wahlund Construction, Sequoia Construction Specialties in the amount of \$1,377,678.49 for work related to the Wastewater Treatment Plant Upgrade and Disposal Project; and approval of short-term modification of Employment Agreement with City Manager James R. Stretch, directing the City Attorney to prepare the necessary amendments and authorizing the Mayor to sign. Motion carried 5-0.

**SPECIAL CALL ITEMS/COMMUNITY AFFAIRS**

**AUGUST 7, 2012 MINUTES**  
**Page 2**

Approve Resolution No. 1168-2012 Consolidating Water Rates, Charges and Fees Pursuant to Provisions of Rio Dell Municipal Code Chapter 13.05, Rescinding Resolutions 998-2008, 1142-2012, and 1159-2012

Mayor Woodall questioned how the water rates for R.V. Parks are charged; Finance Director Beauchaine said she would review the rate structure and report back to the Council.

Motion was made by Thompson/Marks to approve *Resolution No. 1168-2012 Consolidating Water Rates, Charges and Fees Pursuant to Provisions of Rio Dell Municipal Code Chapter 13.05, Rescinding Resolutions 998-2008, 1142-2012, and 1159-2012*. Motion carried 5-0.

Approve Resolution No. 1169-2012 Approving Position Allocation Schedule for Fiscal Year 2012-2013

Mayor Woodall referred to the Allocation Table contained in the Resolution and asked for a definition of the asterisk (\*) noted on the various positions; Finance Director Beauchaine explained the notation means “flexibly allocated.” City Manager Stretch explained those positions with a I or II means that there could be any combination of employees within those ranges provided the number of employees does not exceed the total number allocated for both positions.

Motion was made by Wilson/Leonard to approve *Resolution No. 1169-2012 Approving the Position Allocation Table for Fiscal Year 2012-2013*. Motion carried 5-0.

Receive and File Report on Suddenlink Transfer Application

Councilmember Wilson asked for further clarification on what the matter is about and if Suddenlink currently pays the City franchise fees. City Manager Stretch explained the City receives 5% in franchise fees from Suddenlink and that a number of years ago, the franchise agreements with 7 local cities, including Rio Dell were negotiated by the Buske Group. What is happening now is that Suddenlink is in the process of changing equity ownership which entitles the franchise holders to review current issues to make sure franchise rights are enforced and remain in compliance. He said Suddenlink has provided each of the 7 franchise holders with checks for \$5,000 for costs associated with reviewing the change of equity application. He further reported that the City Manager’s and County Administrative Officer met with Sean McLaughlin, Executive Director of Access Humboldt and the idea was discussed to perhaps pool the checks received from Suddenlink and send all or a portion to Access Humboldt in order to retain the Buske Group to review the associated transfer documents and identify any franchise compliance issues.

Councilmember Leonard pointed out that the 5% franchise fee is charged to the Suddenlink customers on their monthly bill; and that the cable service has decreased recently with a lot of dead channels in the channel lineup. He asked if complaints should be directed to Access Humboldt; City Manager Stretch said complaints should be directed to Access Humboldt and that there is a report that shows customer complaints at 14% which is high.

**AUGUST 7, 2012 MINUTES**

**Page 3**

Councilmember Marks asked about the status of the City's wi-fi; Finance Director Beauchaine stated she had spoken with Sean McLaughlin and was told the wi-fi was a pilot program which

ended, and that the City has no contract for ongoing maintenance. He indicated he would be getting back to staff with information on cost but to date no information has been received.

Approve Change Order in the Amount of \$30,892 for a new PLC SCADA and Pump Control Panel for the Wastewater Treatment Plant Upgrade and Disposal Project

Wastewater Superintendent Chicora provided a staff report and said prior to the start of the project, there was a list of items, with this item at the top, that were removed from the original bid list to stay within budget. He said with the project approximately 40% complete, there is approximately \$80,000 in accrued savings therefore, staff is recommending purchase of this equipment. He provided a slide presentation and explained the requested change order is for the replacement of the main control panel and cabinet that houses all of the monitors, alarms, equipment controls and data systems related to the current wastewater plant system. He said with this it will make it much easier to trouble shoot problems at the wastewater plant, with integration of all of the monitors and controls into one panel.

He continued with an explanation of the SCADA System and how it works.

Councilmember Wilson asked if the Change Order was covered under the current project budget; staff responded that the \$30,892 will be coming out of the project budget.

Councilmember Wilson then referred to the proposal from Wahlund Construction where it noted the proposal from Parker Electric as an attachment to the proposal however it was not attached. Wastewater Superintendent Chicora explained that Aqua Sierra Controls is a sub-contractor to Parker Electric and Parker Electric is a sub-contractor to Wahlund Construction and basically Aqua Sierra Controls and Parker Electric will be working together on the re-wiring of the Wastewater Treatment Plant.

Mayor Woodall asked what would happen if this change order is approved and something else comes up requiring another change order and so forth. Finance Director Beauchaine explained in addition to the recognized project savings to date of \$80,000, there is a built-in contingency of 1 ½ percent which amounts to approximately \$200,000.

Motion was made by Leonard/Wilson to approve the Change Order in the Amount \$30,892 for a new PLC SCADA and Pump Control Panel for the Wastewater Treatment Plant Upgrade and Disposal Project. Motion carried 5-0.

Approve Minor Amendments to (6) Employment Agreements

City Manager Stretch provided a staff report and stated at the July 10, 2012 special meeting, the Council approved the employment agreements with its six (6) contract employees. Shortly thereafter, he said he circulated the agreements for signature and as they trickled in, he learned that there were some minor issues still outstanding within the various agreements.

He said he met with each employee, listened to their points and after careful consideration, recommends approval of the following amendments:

- Amend Section 10 of the employment agreement with the City Clerk to increase the annual Executive Leave benefit from 40 hours to 80 hours.
- Amend Section 10 in all 6 agreements to read that any Executive Leave that remains on the books (not taken or paid out) as of the first pay period in June will be paid on that pay period.
- Amend Section 8 of the agreements with the Water/Roadways Superintendent and Community Development Director to increase the occasional number of hours worked per week in outside employment from 4 to 8 without City Manager approval.
- The employment agreement with the Chief of Police be amended to require that he wear a full insignia uniform when appropriate and that he receive a uniform allowance of \$187.50 per calendar quarter in the first pay period of the quarter, effective September 1, 2012. This allowance is recognized to cover the cost of the uniform and should be strictly used for the purchase, maintenance, repair of the uniform(s) and necessary leather and safety gear worn by the department's sworn officers.
- Amend Section 2 d. of Chief of Police's employment agreement to read the same as the other 5 contract employees' Section 2 for severance payment.

City Manager Stretch said there were a couple of other items discussed that he is not recommending for change such as increasing the number of Executive Hours from 80 hours to a greater number, and replacing Executive Leave with a compensatory time off provision.

After brief discussion on the proposed amendments, motion was made by Leonard/Marks to approve the minor amendments to (6) employment agreements as recommended. Motion carried 5-0.

**REPORTS/STAFF COMMUNICATIONS**

City Manager Stretch reported on recent activities and announced the Chief of Police and Community Development Director were excused from attending the meeting since they had no items on the agenda and asked the Council if there were any objections to their being excused.

**AUGUST 7, 2012 MINUTES**  
**Page 5**

Mayor Woodall commented that she planned on asking the Chief for an update on Nuisance Abatement and when they would receive the next Monthly Police Report.

Councilmember Marks said she had a question for the Chief on whether or not all of the police officers are radar certified.

Councilmember Thompson said he would like to have a report on Wildwood Days activities.

Mayor Woodall stated that it is nice to have department heads present so that Councilmembers can ask questions during council meetings rather than disturbing employees during regular work hours.

City Manager Stretch suggested the idea of going back to weekly staff reports/council updates.

Councilmember Marks agreed that it is helpful to be informed on what is going on in the City on a regular basis.

Wastewater Superintendent Chicora reported on recent activities in the public works department and presented pictures of a pilot unit of the future sludge dryer. He explained with the new dryer staff will be able to take 8 yards of wet sludge and reduce it down to 1 ½ yards of Class A sludge which can be applied to lawns.

Mayor Woodall asked if the sludge can then be sold or given away rather than paying to dispose of it; Wastewater Superintendent Chicora said the issue is open for discussion and indicated that the sludge could actually be stock piled and sold to a fertilizer company.

City Manager Stretch stated there is another City that is interested in using the City's dryer to dry their sludge which would in turn, generate revenue for the City.

## **COUNCIL REPORTS/COMMUNICATIONS**

Councilmember Marks questioned Finance Director Beauchaine about the water consumption report requested by the Council at a previous meeting; Finance Director Beauchaine said she had e-mailed it to Councilmembers but agreed to send it out again.

Councilmember Wilson commented on the Wildwood Ave. Streetscape Project and suggested some thought be given to making sure the car show and cruise will be able to continue. City Manager Stretch stated the matter will be coming back to the Council at the next meeting for discussion.



**ADJOURNMENT**

There being no further business to discuss, the meeting adjourned at 7:22 p.m. to the August 21, 2012 regular meeting.

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Julie Woodall, Mayor

Attest:

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Karen Dunham, City Clerk

675 Wildwood Avenue  
Rio Dell, CA 95562  
(707) 764-3532



TO: Honorable Rio Dell City Council

FROM: Jim Stretch, City Manager

DATE: August 21, 2012

SUBJECT: Amendment to Budget for Suddenlink Cable Transfer Application  
and amendment to Access Humboldt agreement

Recommended Council Action:

1. By motion, approve attached Resolution 1171-2012, amending Budget Resolution 1158-2012, in the amount of \$5,000 for the Suddenlink Cable Transfer Application process, and
2. Approve amendment (Attachment "A") to the existing Access Humboldt "Cable-Related Agreement" dated June 1, 2008, to be signed by the City Manager, to secure the services of Access Humboldt and the Buske Group related to the review and processing the ownership transfer application from Suddenlink, dated July 26, 2012, and
3. Authorize the payment of \$5,000 to Access Humboldt to act as the agent of the City of Rio Dell in the ownership transfer process and to supervise the analysis undertaken by consultant Buske Group (Attachment B) and act as payment agent in the amount up to \$5,000.

Background and Discussion:

On August 7, 2012 the City Council received and filed the initial report on this subject.

Sudden Link Communications notified the city (franchise holder) on July 26, 2012 of their change of equity ownership application. The franchise holders; County of Humboldt along with the Cities of Arcata, Blue Lake, Eureka, Fortuna, Ferndale and Rio Dell all received the same notice.

When a change of equity ownership occurs, entities have an opportunity to review current issues to make sure franchise rights are enforced and will remain in compliance.

Franchise holders have thirty (30) days to request more information. Suddenlink's application for change of equity ownership is expected to conclude within 120 days from when the franchises were put on notice, or by November 20, 2012.

Sudden Link has provided the 7 franchise holders with checks for \$5,000 each for their costs associated with the review and processing of the application. The City managers and County Administrative Officer recently met with Access Humboldt via conference call and, since our entities all have existing agreements with Access Humboldt to facilitate the franchise agreements, proposed to amend our agreement to engage Access Humboldt to retain the Buske Group to represent our interests. The proposed Access Humboldt amendment dated August 10, 2012 is **Attachment "A"**.

It is also recommended that we pool the checks we received so that Access Humboldt can retain the Buske group as consultants to perform a list of tasks described in **Attachment "B"**. The Buske Group provided **Attachment "C"** which outlined their view of the overall process.

Financial Impact:

The amended budget in the amount of \$5,000 received from Suddenlink Communications is intended to cover the total cost of the consultant's review of the transfer application. Staff is keeping track of the time spent on this subject. Assuming that the cost of the Buske Group is less than \$35,000, each agency can expect to receive their share of the refund to cover local staff cost.

Attachments: Resolution 1171-2012

Attachment "A" –Amendment to Access Humboldt agreement

Attachment "B" –Consultants (Buske Group) scope of work

Attachment "C" –Buske Group outline of process dated July 24, 2012

Cc: Director of Finance





August 10, 2012

Jim Stretch, City Manager  
City of Rio Dell  
675 Wildwood Ave.  
Rio Dell, CA 95562

**Amendment to "Cable-Related Services Agreement" dated June 1, 2008**

This document serves as a written amendment to the existing "Cable-Related Services Agreement" ("Agreement") dated June 1, 2008 with Access Humboldt.


The purpose of this amendment is to secure services of Access Humboldt and the Buske Group related to the review and processing of an ownership transfer application by Suddenlink Communications, dated July 26, 2012.

All other provisions of the Agreement remain in place with the following amendments:

- "Scope of Services" is revised to include a new "Exhibit C" which is attached;
- "Compensation" is revised to include a new one time payment of five thousand dollars (\$5,000.) due upon submission of an invoice by Access Humboldt; and,
- Any of these funds that are not used to provide services described in Exhibit C will be refunded.

IN WITNESS WHEREOF, the parties hereto have made and executed this written amendment to the existing "Cable-Related Services Agreement" ("Agreement") dated June 1, 2008.

City of Rio Dell  
By: Jim Stretch  
Signature:  
Date:

Access Humboldt  
By: Sean McLaughlin  
Signature:   
Date: August 10, 2012

Encl. 1

**Amendment to "Cable-Related Services Agreement" dated June 1, 2008**

Exhibit C, August 10, 2012

**Scope of Services**

Suddenlink Communications ownership transfer application review

Access Humboldt will act as agent for local jurisdictions (County & Cities) to gather information, coordinate and supervise work, including legal analysis and financial reviews, to be undertaken by the consultant (Buske Group) for review of the ownership transfer application submitted by Suddenlink, to include:

- Review FCC Form 394 filed by Suddenlink.
- Review other associated documents, such as the transfer of assets agreements and associated financial documents.
- Communicate with Suddenlink and designated Cities/County staff to identify franchise compliance issues, if any.
- Communicate with Suddenlink and designated Cities/County staff regarding other ancillary issues, if any (e.g., rate issues).
- Conduct legal and financial analyses.
- Prepare a memo outlining relevant findings.
- Draft a change of control/transfer of ownership agreement (if necessary) and a resolution for action by the County Board of Supervisors and Cities' Councils.
- Conduct negotiations (as necessary) with Suddenlink and/or the buyer to agree on the terms of the transfer of ownership agreement.
- Provide other assistance related to the transfer of ownership as requested by designated Cities/County staff.



July 24, 2012

Sean McLaughlin  
Executive Director  
Access Humboldt  
1915 J Street  
Eureka, CA 95501

Dear Sean:

The Buske Group is pleased to have the opportunity assist Access Humboldt, acting on behalf of Humboldt County and the Cities of Arcata, Blue Lake, Eureka, Fortuna, Ferndale, and Rio Dell. During our recent telephone conversation, you requested a scope of work and budget for the work that was discussed regarding the recently announced change of control/transfer of ownership of the Suddenlink cable system, which serves the County and Cities.

Background:

Over the past ten years, we have had the opportunity to work with Access Humboldt, Humboldt County and the Cities on a number of occasions. The Buske Group assisted the County and Cities in the franchise renewal process with Cox, which was completed in 2006. That process involved revising the Cities/County Code, and negotiating a renewed franchise with Cox that was subsequently transferred to Suddenlink. During that renewal process, we assisted the County and Cities in creating Access Humboldt and assisted in the process of hiring the Executive Director. In 2006, StarStream applied for a transfer of cable system ownership for its system in the Garberville area to WAVE Broadband. We assisted the County with that transfer of ownership process. In the years that followed, after changes in state law occurred, The Buske Group assisted the County and Cities in developing a new section of the Cities/County Code that addressed state video franchises.

The Project:

The local franchise agreements between Suddenlink and the County and Cities empower the local governments to approve a change of control/cable transfer of ownership that may occur. Both the local franchises and federal law contain certain information submittal requirements with which the seller and the buyer must comply. In addition, federal law specifies certain criteria that may be considered by a local government when making a determination whether to approve a transfer of ownership.

Since all seven local governments have identical franchise agreements and ordinances, the transfer process can be conducted in an effective and economical fashion. A good deal of the general research and background analysis associated with the proposed transfer of ownership is applicable to any community being served by the cable operator that has proposed the transfer.

The timing of this transfer of ownership/change of control is of particular significance because the local franchise agreements are due to expire in April 2014 and will roll over to state franchises pursuant to state law. Once the local franchises end, the County and Cities will have very limited authority over the cable operator and only in areas where state law permits local government to seek remedies in court (PEG access and franchise fees). Therefore, this is likely to be the last time the local government will have an opportunity to have any "leverage" with the cable company to correct compliance issues or make changes. It is important to remember that *Suddenlink* is asking the County and Cities for something of value to Suddenlink -- approval of the transfer/change of control. The County and Cities may not unreasonably withhold approval of this transaction, but it is certainly reasonable to carefully review and consider the past performance of Suddenlink and the financial and management capabilities of the buyer.

Below is a list of tasks that we foresee to be undertaken by the consultant:

- Review FCC Form 394 filed by Suddenlink.
- Review other associated documents, such as the transfer of assets agreements and associated financial documents.
- Communicate with designated Access Humboldt and Cities/County staff to identify franchise compliance issues, if any.
- Communicate with designated Access Humboldt and Cities/County staff regarding other ancillary issues, if any (e.g., rate issues).
- Prepare a memo outlining our findings.
- Draft a change of control/transfer of ownership agreement (if necessary) and a resolution for action by the Cities/County Councils.
- Conduct negotiations (as necessary) with Suddenlink and/or the buyer to agree on the terms of the transfer of ownership agreement.
- Provide other assistance related to the transfer of ownership as requested by Access Humboldt and Cities/County staff.

The hourly professional fees for the services listed above will be as follows:

Senior Consultant/Negotiator (Sue Buske)	\$150.00 per hour
Senior Consultant (Randy VanDalsen)	\$125.00 per hour
Financial Analyst (Connie Cannady)	\$195.00 per hour
Engineers and Technical Associates (Columbia Telecommunications)	\$75.00 - \$170.00 per hour
Legal Advice (the law firm of Spiegel McDiarmid)	\$300 - \$450.00 per hour

Direct costs such as printing, overnight delivery fees, and travel (if any) will be billed as incurred, in addition to the professional hourly fees listed above.

I anticipate that the total cost to Access Humboldt on behalf of the County and Cities for all aspects of the transfer of ownership project will not exceed \$35,000. If the cost exceeds this estimate, we would not proceed with additional work until we received a written authorization from Access Humboldt to do so. The Cities/County Codes include a clause that states as follows: *"The proposed transferee shall pay all reasonable costs incurred by the City(County) in reviewing and evaluating the applications"*.

We believe that it is wise to undertake a compliance review when a transfer is requested, since it is difficult to achieve franchise/contract compliance with regard to certain matters after a franchise transfer has occurred. This may even be the case in situations where the Cities/County possess the legal right to insist on such compliance and the incoming cable operator has the responsibility to remedy all past noncompliance issues (known and unknown).

Therefore, we are also prepared to undertake the following tasks upon request.

1. Review the Operator's Compliance with the Existing Franchise.

As part of the change of control/transfer of ownership process, the Cities/County have an interest in reviewing the operator's past performance to assure that they and members of the public have received all benefits of the existing franchise. If noncompliance areas are identified, the Cities/County may seek corrections to the areas of noncompliance and penalties or remedies. If the noncompliance is the result of a lack of clarity in the franchise agreement, the Cities/County may seek revised franchise language to eliminate any ambiguities. The review may also result in immediate improvements to service in some areas. This task would include charting all primary obligations and determining the level of compliance in such areas as PEG access, reporting, interconnection, system rebuild, required performance bonds and letter of credit.

*Estimated Cost:*     \$5,000 - \$7,000



## 2. Conduct a Franchise Fee Payment Review.

We have found that when a cable operator requests a transfer of ownership, it is appropriate to review the past franchise fees it has paid. This will assure that a community has collected the historical amounts due before a transfer of ownership is renewal is approved. The types of issues that typically arise in assuring that franchise fee payments are correct include:

- Differences between cash receipts and accrual accounting, including bad debt accounting policies;
- Procedures for allocating revenues to particular franchising authority areas when the same operation serves multiple jurisdictions;
- Inclusion or exclusion of certain revenue items (e.g., advertising, home shopping, leased access, late fees, and others); and
- Treatment of the franchise fee amount itself as an element of gross revenues.

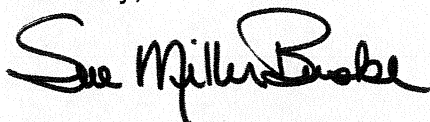
We propose to determine whether payments made commencing January 2009 through July 2012 (or an alternative period selected by the affected Cities/County) have been appropriate.

*Estimated Cost Range: \$9,000 – 13,000*

I have prepared this proposal to provide consulting services related to the cable change of control/transfer of ownership process (and other services) in a letter form -- rather than a more formal proposal -- to permit Access Humboldt and the Cities/County to make its decision on these matters as soon as possible. A rapid decision with regard to the consulting services you require is necessary because Federal law requires that each community must act upon a transfer of ownership request within 120 days of the date that the FCC Form 394 is received. Furthermore, once the FCC 394 is filed with the Cities/County the local government have only 30 days to respond with request for any additional information that might be needed to properly review the transfer application.

I look forward to the opportunity to work with you and to be of assistance to Access Humboldt and the Cities/County.

Sincerely,

A handwritten signature in black ink that reads "Sue Miller Buske". The signature is fluid and cursive, with the first name "Sue" being more prominent.

Sue Miller Buske, President  
The Buske Group



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**CITY OF RIO DELL  
STAFF REPORT  
CITY COUNCIL AGENDA  
AUGUST 21, 2012**

TO: Mayor and Members of the City Council

FROM: Karen Dunham, City Clerk

THROUGH:  Jim Stretch, City Manager

DATE: August 21, 2012

SUBJECT: November 6, 2012 General Election

**RECOMMENDATION**

Receive and file the information.

**BUDGETARY IMPACT**

Estimated election cost is \$1,200 - \$1,500

**BACKGROUND AND DISCUSSION**

On July 12, 2012, a Notice of Election was posted announcing the two open positions on the City Council. The nomination period was opened on July 16, 2012 with Candidate Information Packets available for perspective candidates. The close of the nomination period was August 10, 2012 at 5:00 p.m. As of the close of the filing period, the only two nominations received were those from the two incumbents, Jack Thompson and Frank Wilson.

In accordance with the California Elections Code Section 10229, Subdivision (a), in the case of any office or offices to be elected on a citywide basis, the number of persons who have been nominated for those offices does not exceed the number to be filled at that election, the City Elections Official (City Clerk) shall submit to the City Council a statement of these facts and inform the City Council that it may, at a regular or special meeting held before the municipal election, adopt one of the following courses of action:

- 1) Appoint to the office the person(s) who have been nominated.
- 2) Appoint to the office an eligible elector if no one has been nominated.
- 3) Hold the election, if either no one or only one person for each office has been nominated.

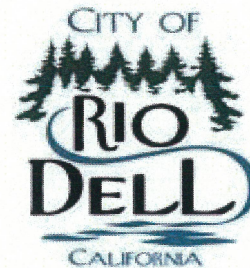
**There is however an exception under the Elections Code under Subdivision (b) that says that Subdivision (a) shall not apply if a city measure has qualified and is to be submitted to the voters at that municipal election. As a result of Measure “J” being placed on the November ballot, we are required to proceed with the election of the two council positions as scheduled.**

On August 15, 2012, the City Clerk presented the nomination papers to the County Elections Department for verification; both candidates provided the required number of valid signatures to qualify for candidacy.



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*Rio Dell City hall  
675 Wildwood Avenue  
Rio Dell, CA 95562  
(707) 764-3532  
riodellcity.com*



August 21, 2012

TO: Honorable Mayor and City Council Members  
FROM: Jim Stretch, City Manager  
SUBJECT: Status report on development of Capital Improvement Plan

IT IS RECOMMENDED THAT THE CITY COUNCIL:

Receive and file this report

BACKGROUND AND DISCUSSION

This is a status report on the drafting of a Capital Improvement Plan (CIP) for the Council's consideration.

When prior City Manager Ron Henrickson retired he passed a preliminary outline of some potential elements of a CIP to the incoming City Manager. As you are aware, the position went from full time to one-half time at the same time (June 1, 2012). Though I have indicated to the City Council at different times that a CIP is a priority item on my list of things to do, I have not found the time yet to even locate and read the various documents at City Hall related to the topic in order to gain the necessary background to put pen to paper. Though it might exist, I have not yet found a comprehensive inventory and assessment of the short and long capital requirements of the City, except for the water system.

I am aware that our short construction season is passing without a plan in place. I also know by personal experience that the development of a 5 year CIP is too important to rush. An inventory and prioritization of potential capital needs will take considerable staff time and is not something that any one person should attempt in a vacuum.

So, now that there is more time available during the months of August and September, 2012, I have begun by reading the CITY OF RIO DELL WATER SYSTEM ASSET MANAGEMENT PLAN and CAPITAL IMPROVEMENT PLAN-OCTOBER 2010. A review of the inventory of capital needs of the City from staff's point of view will now occur, as well as an analysis of the funding options as the case may be.

The timetable for a draft of the CIP to the Council for a study session is September 18, 2012. It may occur that items identified during this process become a priority and need to be addressed immediately. Such items will be brought forward to the City Council for consideration and action.

Unless there are questions or comments, or the Council wishes to give specific direction at this time, please receive and file this report.

Cc: All department Heads



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675 Wildwood Avenue  
Rio Dell, CA 95562  
(707) 764-3532



**For Meeting of: August 21, 2012**

To: City Council

From: Kevin Caldwell, Community Development Director

Through: Jim ~~Stretch~~, City Manager

Date: August 15, 2012

Subject: Presentation by Adam Dias; Eagle Prairie Arts District

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**Recommendation:**

That the City Council:

1. Receive a presentation from Adam Dias regarding the potential of creating the Eagle Prairie Arts District;
2. Based on the presentation and discussion provide direction, if any, to staff.

**Summary**

Adam Dias has submitted information, included as Attachment 1, regarding the formation of the Eagle Prairie Arts District (EPAD) and has requested to make a presentation to the City Council. At this point the presentation is for informational purposes only. Should the Council wish to take an active role in helping establish and develop the EPAD, the Council should provide direction to staff.

**Attachment:**

1. Synopsis of the Eagle Prairie Art District.





# The Eagle Prairie Arts District

## Membership Information

By investing in the Eagle Prairie Arts District, you are investing in the future of art, entertainment, and business in Rio Dell.

Your \$35.00 a year tax deductible membership fee will help to further the Eagle Prairie Arts District's vision of promoting and supporting the development of an art, entertainment, and business district in Rio Dell's newly zoned Town Center.

## Objective:

The objective of the Eagle Prairie Arts District (EPAD) is to build relationships with Humboldt County artists, promote artists within Rio Dell, help establish and promote new businesses in Rio Dell's town center, and develop a vibrant and successfully arts community within the Eel River Valley.

Membership into EPAD is not limited, anybody may become a member. Becoming a member of EPAD is similar to becoming a member of a chamber of commerce or business improvement district. Your contribution is not limited to just a once a year fee. In order to help build and grow this newly formed district, volunteer support will be needed. Your membership also allows you to run for office and vote on board members.

## Goal:

The goal of EPAD will be defined as being dedicated to bringing art, entertainment and business to Rio Dell's newly re- zoned town center. EPAD will be dedicated to re-inventing Rio Dell as an art, entertainment, and cultural center in Humboldt County. Our mission will be to connect the few organizations we have within the city to help promote unity. We see no reason that the Fire department, Police Department, City, Planning Commission and Chamber of Commerce should not be in constant communication with each other, and we intend to bridge any gap that may exist between these interests.

EPAD will adopt a model of many other art and cultural districts which have risen up in towns that have lost economic stability. By designating Rio Dell's town center as a cultural, historically significant arts district, Rio Dell will be taking the first step in the direction of redeveloping and preserving the unique history of our city.



## Structure:

A board of directors will be elected by EPAD members consisting of five members. Of those five members, one member will be appointed president. Board members will set for two years before they are re elected or replaced. In the event that a board member resigns, applications will be taken from members who wish to occupy the vacant seat, which will then be appointed by the appointed board member will occupy the remaining term of the vacated seat. A treasurer will be appointed by the board and will occupy the position of treasurer until they resign or a 2/3rd vote to remove the treasurer from their seat takes place. The president and treasure will be responsible for issuing payments on behalf of the arts district. It will always take the approval of both the president and treasurer to make purchases. In order to allow the art district to do its daily business, There will be a limit on purchase amounts set by the board. The board will set the limit at what they feel appropriate. All purchases over this amount will need to be approved by the a majority vote from the board.

If you wish to be a part of the Eagle Prairie Arts District contact the Eagle Prairie Arts District

### Preserving and Capitalizing on our History:

Rio Dell, and Scotia alike, are rich with history and remain one of the most historical areas in Humboldt County. It will be the art district's mission to capitalize on this history, by supporting a local museum that combines the rich history of Scotia, and the already existing Scotia museum, and Rio Dell, along with the natural arts that have made Northern California a popular destination for the last hundred years. By allowing travelers and local interests to engage in the rich history of Rio Dell and Scotia, our community will benefit tremendously. The more attractions we have in town, the more likely visitors are to dine, shop and recreate within our community. With the many vacant buildings available in Rio Dell, it is very plausible that with community, city government, and grants, a wonderful museum can be erected.

### Attracting Artists:

Rio Dell already has a vibrant artist population. Our goal will be to help these artists exhibit their many talents, while becoming the central point for artists from all over the county. The first initiative for the arts coalition will be to help to establish an artist collective, which works similar to a coop. By establishing an artist collective, the arts district will allow the many artists from Rio Dell to emerge and display their talents alongside some of the best artists in Humboldt County. This collective will be located downtown and will be open to the public for viewing and shopping. With the availability of inexpensive rent and large spaces, Rio Dell has the potential to house the largest and most affordable artist collective in the county. It will be our mission to establish this collective and use it to connect with many artists and organizations, (e.g.; Arts Alive, Arts Arcata, etc...) to develop a similar arts exhibit, which, with the emergence of first

Fridays in Fortuna, could help the eel river valley have a regularly occurring open art walk.

The establishment of an artist collective, and the members and supporters of the many artists that will embark on the city, will help to ensure that an educated, artistic and business minded audience will frequent the city.

There should be no doubt that Rio Dell is not a “diamond in the rough” but instead, is a diamond being cut from the finest stone in the county. The emergence of an arts market in the Eel River Valley is inevitable, and in many ways has already been established in Ferndale. However, the market for arts in Humboldt County continues to grow. While areas like Old Town in Eureka, Arcata, Ferndale, and Garberville have space to offer, that space is at a premium that many talented and unknown artists can’t afford. Art must remain fresh or it becomes a history that leaves only artifacts of what it once was behind. In order for art and artists to stay vibrant, a melting pot must be created or established. Like Santa Fe, New Mexico, which houses only 65,000 people, yet stands as the third largest art market in the country behind New York City and Los Angeles, Rio Dell offers the perfect ingredients for emerging artists.

First and foremost, a place needs beauty. Without it, positive inspiration may fail to emerge. This is what attracts artists to Humboldt, and Rio Dell happens to be one of the most beautiful places in the county. Not a day goes by that one can’t gaze upon our surrounding views that bulge out of the ground toward the sky surrounding the city at its center like a Roman Coliseum. Our bluffs give way to an awe inspiring patch of second growth that tells the town, and those that inhabit the area, that only minutes away, one can divulge in one of the most amazing wonders of the world. This is perhaps the greatest gift that was given to the area. As the dust from the logging trucks and mills of the past settles, and the reality that we are no longer a town that can depend on a flourishing timber industry sets in, the sun continues to set, even through the fog, upon one of the greatest stretches of Old Growth Redwood in the state: the esteemed Avenue of the Giants. To the right of, what is and should be coined as, the gateway to The Avenue of the Giants, stands Monument Mountain with its golden and green summer colors or its white snowy top in the winter. The mighty Eel River – the third largest river in California and one of the only rivers in the world that runs south to north--runs through our back yards as it weaves through the California Coastal Range, a mountain range that kills cellular signals, but also shades us from much of the wind and fog created by the nearby Pacific Ocean, creating an almost perfect micro climate in a place known best for cold wet winters and often colder summers.

And at the center of our town is a vacant business district, full of buildings eagerly awaiting occupancy. On the vacant windows are pasted signs that read AFFORDABLE. The most beneficial part of our city is that we have affordable rent. Now we just need to offer the guidance and assurance needed to help our city be the artistic and cultural center it has been eagerly waiting to be. This will be the focus of the the Eagle Prairie Arts District.



## We May Only Have One Real Problem as a City:

The current problem the city is facing is a lack of business. Of course there are more pressing problems like sewer, water, street improvement, a large drug problem, dilapidated housing, and a false image that Rio Dell may still be the epicenter of crime and poverty in Humboldt County, and the list goes on and on. Yet, all this takes a back seat to the real problem facing this city. We have no business. We have tourists, they frequent the Shell gas station, occasionally the Bar, Mini Golf, and The Pizza Factory, but where else shall they go? Why should they stay? The problems the city faces are minor, even minuscule, when compared to the number of failing, failed, or barely above water businesses it houses. It is my thought that a single council, planning, chamber, police or fire meeting should not convene that does not in some way directly address this issue. All else fails without business, and we are quickly heading in a direction of not having business. Each day, for anyone who is concerned with this community we cherish, when they wake, they should be asking themselves, what am I doing to help bring business to Rio Dell? Because, with quality business, revenue is generated, revenue to fix our streets, build our parks, keep our police force working, and allow our drinking water to remain clean and our toilets flushing. Revenue is the answer to most all the cities problems, and business is the answer to our lack of revenue.

Art alone will not provide the city with the business it needs. Entertainment, festivals, concert series, museums, beautiful parks, a river walk, historical land marks, unique scenery, fine dining, lodging, recreation, shopping, fitness facilities, breweries, a school, bakeries, offices, commercial and light industrial, these are all types of businesses that thrive within an arts, entertainment and culturally diverse community. We must not be fooled into thinking that we are just a bedroom community. A bedroom community needs an established city with all the necessary requirements of societal need. We do not, and do to the counties anti growth attitude, we may never have the ability to be a bedroom community. This does not, however, mean we are not asleep. The town must realize that we must create our own vision, our own jobs, and our own future. Depending on other communities is how we ended up in the dire situation the city faces today. And if we fool ourselves into believing that we can get by on another cities success, we are doomed to fall further into the abyss.

The culture of this town must change, but our history will not. We will no longer be a dying mill town, a bedroom community in an area that is not pro growth, but we will be a vibrant, bustling small city surrounded by some of the most glorious views nature can provide. We will be mentioned by travelers in the same breath as Santa Fe, New Mexico, Corvallis, Oregon, Sebastopol, California or Boulder Colorado. We will be known as both the gateway to the historic Avenue of the Giants, as well as the Victorian Village of Ferndale.

The cities mentioned here are not referenced by accident. Santa Fe was once a city like Rio Dell, as was Corvallis, Sebastopol and Boulder. As divided as we are from Arcata and Garberville in culture and thought, we may be wise to look upon them as inspiration for our city, as they were once dying mill towns that found prosperity by providing art, entertainment and fine dining to their community. It is my hope, and the


hope of the Eagle Prairie Arts District, that the residents and council members of Rio Dell will help usher in a new era of prosperity to the city of Rio Dell.


675 Wildwood Avenue  
Rio Dell, CA 95562  
(707) 764-3532



For Meeting of: August 21, 2012

To: City Council

From: Kevin Caldwell, Community Development Director 

Through:  Jim Stetch, City Manager

Date: August 17, 2012

Subject: Wildwood Avenue Enhancement Project Update

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#### Recommendation:

That the City Council:

1. Receive a presentation from the City Engineer, Merritt Perry of GHD, regarding the status of the Wildwood Avenue Enhancement Project;
2. Identify and establish project priorities and direct staff accordingly.

#### Summary

The City Manager and I recently met with Merritt Perry regarding the status of the Wildwood Avenue Enhancement Project. Mr. Perry has submitted the 90% Preliminary Plans (Attachment 1) and the Estimate of Probable Costs (Attachment 2).

The project will be funded by the State Transportation Improvement Program (STIP). Below is a summary of the approved funding for the project:

Environmental Studies and Permits	\$11,000
Plans, Specifications & Estimate	\$40,000
Construction Engineering	\$39,000
Construction Total	\$498,618
<b>Total Project Estimate</b>	<b>\$588,618</b>



GHD's current opinion/estimate of the total costs for construction including a 10% contingency is \$617,146, which is approximately \$118,500 over the original construction cost estimate. This figure does not include the costs for the Environmental Studies (\$11,000) and Permits, Plans, Specifications & Estimate (\$40,000) and Construction Engineering (\$39,000). Including these costs, the total estimate for the project is currently \$707,146, which is about \$118,500 more than the original estimate.

The revised estimate includes changes made to the project, including the elimination of left turn-pocket curbs, reducing the median/island excavation depth from 24 inches to 18 inches, except where trees are to be planted and the elimination of the median/island immediately south of Monument Road. Although these changes did reduce the cost estimate for the project, they were not enough to reduce the costs to the original estimate.

GHD's estimate includes a base estimate which includes the medians/islands from the bridge up to Columbus Street. The construction estimate for this phase of the project is \$372,375 not including the 10% contingency. The estimate also included Additive Construction Estimates for those medians/islands north of Columbus Street. The Additive Estimates are broken down into three phases as identified below:

<b>Bid Additive Estimates</b>	<b>Cost</b>
Douglas Street to Columbus Street (Medians/Islands 6 & 7)	\$54,951
Elm Street to Douglas Street (Medians/Islands 4 & 5)	\$47,959
Side Street to Elm Street (Medians/Islands 1, 2 & 3)	\$85,757
<b>Bid Additive Total</b>	<b>\$188,667</b>

Again, the total estimate for the project is currently \$707,146. The Obviously the Council will have to either have to decide to build only those improvements that are budgeted for or amend the project to eliminate some landscaping and improve the medians/islands with grass until additional funding becomes available to complete the original landscaping concept.

**Attachment:**

- Attachment 1: 90% Preliminary Plans.
- Attachment 2: Current GHD Estimate of Probable Costs
- Attachment 3: Email dated August 17, 2012 from GHD
- Attachment 4: Original Estimate of Probable Costs



Opinion of Probable Construction Cost					
Agency: CITY OF RIO DELL					
Project Name: WILDWOOD AVENUE PEDESTRIAN AND STREETSCAPE IMPROVEMENTS PROJECT					
Project Location: CITY OF RIO DELL					
Date of Estimate: 8/17/2012					
Prepared by: BV,MP					
BASE BID SCHEDULE ITEMS - STA 20+74 TO 35+51 COLUMBUS STREET TO BRIDGE					
Item No.	Description	Quantity	Units	Unit Cost	Total
1	Mobilization/Demobilization <sup>1</sup>	1	LS	\$26,716	\$26,716
2	Construction Area Signs	15	EA	\$300	\$4,500
3	Traffic Control (Throughout Construction)	1	LS	\$15,000	\$15,000
4	Erosion and Sediment Control	1	LS	\$5,000	\$5,000
5	Remove Existing Pavement Striping & Marking	1	LS	\$1,000	\$1,000
Island 14					
6	Cold Plane Asphalt Concrete 6" max	28	SY	\$30	\$843
7	Stamped Concrete 12" thick	18	SY	\$30	\$553
8	Minor Concrete (6" Vertical Curb, A1-6)	54	LF	\$27	\$1,458
Island 13					
9	Cold Plane Asphalt Concrete 6" max	244	SY	\$30	\$7,310
10	Roadway Excavation (Assume 18", 4 trees <sup>2</sup> @ 24")	120	CY	\$30	\$3,587
11	Minor Concrete (6" Vertical Curb, A1-6)	245	LF	\$27	\$6,615
Island 12					
12	Cold Plane Asphalt Concrete 6" max	142	SY	\$30	\$4,273
13	Roadway Excavation (Assume 18", 1 tree <sup>2</sup> @ 24")	67	CY	\$30	\$2,018
14	Minor Concrete (6" Vertical Curb, A1-6)	148	LF	\$27	\$3,996
Island 11					
15	Cold Plane Asphalt Concrete 6" max	160	SY	\$30	\$4,793
16	Roadway Excavation (Assume 18", 3 trees <sup>2</sup> @ 24")	79	CY	\$30	\$2,358
17	Minor Concrete (6" Vertical Curb, A1-6)	196	LF	\$27	\$5,292
Island 10					
18	Cold Plane Asphalt Concrete 6" max	154	SY	\$30	\$4,630
19	Roadway Excavation (Assume 18", 2 trees <sup>2</sup> @ 24")	75	CY	\$30	\$2,258
20	Minor Concrete (6" Vertical Curb, A1-6)	188	LF	\$27	\$5,076
Island 9					
21	Cold Plane Asphalt Concrete 6" max	153	SY	\$30	\$4,583
22	Roadway Excavation (Assume 18", 3 trees <sup>2</sup> @ 24")	75	CY	\$30	\$2,254
23	Minor Concrete (6" Vertical Curb, A1-6)	190	LF	\$27	\$5,130
Island 8					
24	Cold Plane Asphalt Concrete 6" max	76	SY	\$30	\$2,293
25	Roadway Excavation (Assume 18")	35	CY	\$30	\$1,062
26	Minor Concrete (6" Vertical Curb, A1-6)	101	LF	\$27	\$2,727
Landscaping Islands 8-13					
27	Irrigation Service Connection & Backflow Prevention	1	LS	\$6,000	\$6,000
28	Landscape & Irrigation <sup>3</sup> (Islands 8 - 14)	1	LS	\$216,780	\$216,780
Striping, Markers, and Symbols					
29	Thermoplastic Pavement Markings (Bike w/out Person)	49	SF	\$10	\$490
30	Thermoplastic Pavement Markings (Bike Lane Arrow)	49	SF	\$10	\$490
31	Thermoplastic Pavement Markings (Type III L Arrow)	42	SF	\$10	\$420
32	4-Inch Thermoplastic Traffic Stripe (22)	183	LF	\$3	\$549
33	4-Inch Thermoplastic Traffic Stripe (27B and Loading Zone)	2950	LF	\$3	\$8,850
34	6-Inch Thermoplastic Traffic Stripe (39)	1595	LF	\$6	\$9,570
35	6-Inch Thermoplastic Traffic Stripe (39A)	500	LF	\$6	\$3,000
36	8-Inch Thermoplastic Traffic Stripe (38)	50	LF	\$8	\$400
37	Retroreflective Pavement Marker (Type H Detail 26)	50	EA	\$10	\$500
Base Bid Schedule Subtotal					\$372,375
Base Bid Schedule Total Opinion of Probable Construction Cost					\$372,375

ATTACHMENT 2



<b>BID ALTERNATE ITEMS - STA 17+55 to 20+74 DOUGLAS STREET TO COLUMBUS STREET</b>					
<b>Item No.</b>	<b>Description</b>	<b>Quantity</b>	<b>Units</b>	<b>Unit Cost</b>	<b>Total</b>
	Island 7				
38	Cold Plane Asphalt Concrete 6" max	93	SY	\$30	\$2,797
39	Roadway Excavation (Assume 18", 1 tree <sup>2</sup> @ 24")	44	CY	\$30	\$1,319
40	Minor Concrete (6" Vertical Curb, A1-6)	118	LF	\$27	\$3,186
41	Landscape & Irrigation <sup>3</sup> Island 7	1	LS	\$22,140	\$22,140
	Island 6				
42	Cold Plane Asphalt Concrete 6" max	64	SY	\$30	\$1,910
43	Roadway Excavation (Assume 18")	30	CY	\$30	\$888
44	Minor Concrete (6" Vertical Curb, A1-6)	87	LF	\$27	\$2,349
45	Landscape & Irrigation <sup>3</sup> & Island 6	1	LS	\$14,730	\$14,730
	Striping, Markers, and Symbols				
46	Thermoplastic Pavement Markings (Bike Lane w/out Person)	14	SF	\$10	\$140
47	Thermoplastic Pavement Markings (Bike Lane Arrow)	14	SF	\$10	\$140
48	4-Inch Thermoplastic Traffic Stripe (27B)	583	LF	\$3	\$1,749
49	6-Inch Thermoplastic Traffic Stripe (39)	584	LF	\$6	\$3,504
50	Retroreflective Pavement Marker (Type H)	10	EA	\$10	\$100
				Additive Bid Alternate 1 Subtotal	\$54,951
				<b>Additive Bid Alternate 1 Total Opinion of Probable Construction Cost</b>	<b>\$54,951</b>

<b>BID ALTERNATE ITEMS - STA 15+18 to 17+55 ELM STREET TO DOUGLAS STREET</b>					
<b>Item No.</b>	<b>Description</b>	<b>Quantity</b>	<b>Units</b>	<b>Unit Cost</b>	<b>Total</b>
	Island 5				
51	Cold Plane Asphalt Concrete 6" max	69	SY	\$30	\$2,067
52	Roadway Excavation (Assume 18")	32	CY	\$30	\$948
53	Minor Concrete (6" Vertical Curb, A1-6)	92	LF	\$27	\$2,484
54	Landscape & Irrigation <sup>3</sup> Island 5	1	LS	\$16,290	\$16,290
	Island 4				
55	Cold Plane Asphalt Concrete 6" max	67	SY	\$30	\$1,997
56	Roadway Excavation (Assume 18")	30	CY	\$30	\$903
57	Minor Concrete (6" Vertical Curb, A1-6)	87	LF	\$27	\$2,349
58	Landscape & Irrigation <sup>3</sup> & Island 4	1	LS	\$16,950	\$16,950
	Striping, Markers, and Symbols				
59	Thermoplastic Pavement Markings (Bike Lane w/out Person)	14	SF	\$10	\$140
60	Thermoplastic Pavement Markings (Bike Lane Arrow)	14	SF	\$10	\$140
61	4-Inch Thermoplastic Traffic Stripe (27B)	399	LF	\$3	\$1,197
62	6-Inch Thermoplastic Traffic Stripe (39)	199	LF	\$6	\$1,194
63	6-Inch Thermoplastic Traffic Stripe (39A)	200	LF	\$6	\$1,200
64	Retroreflective Pavement Marker (Type H)	10	EA	\$10	\$100
				Additive Bid Alternate 2 Subtotal	\$47,959
				<b>Additive Bid Alternate 2 Total Opinion of Probable Construction Cost</b>	<b>\$47,959</b>



Item No.	Description	Quantity	Units	Unit Cost	Total
	Island 3				
65	Cold Plane Asphalt Concrete 6" max	58	SY	\$30	\$1,747
66	Roadway Excavation (Assume 18")	26	CY	\$30	\$793
67	Minor Concrete (6" Vertical Curb, A1-6)	81	LF	\$27	\$2,187
68	Landscape & Irrigation <sup>3</sup> Island 3	1	LS	\$16,890	\$16,890
	Island 2				
69	Cold Plane Asphalt Concrete 6" max	113	SY	\$30	\$3,397
70	Roadway Excavation (Assume 18", 1 tree <sup>2</sup> @ 24")	53	CY	\$30	\$1,599
71	Minor Concrete (6" Vertical Curb, A1-6)	140	LF	\$27	\$3,780
72	Landscape & Irrigation <sup>3</sup> Island 2	1	LS	\$25,020	\$25,020
	Island 1				
73	Cold Plane Asphalt Concrete 6" max	49	SY	\$30	\$1,463
74	Roadway Excavation (Assume 18")	21	CY	\$30	\$638
75	Minor Concrete (6" Vertical Curb, A1-6)	67	LF	\$27	\$1,809
76	Landscape & Irrigation <sup>3</sup> Island 1	1	LS	\$17,190	\$17,190
	Striping, Markers, and Symbols				
77	Thermoplastic Pavement Markings (Bike Lane w/out Person)	21	SF	\$10	\$210
78	Thermoplastic Pavement Markings (Bike Lane Arrow)	21	SF	\$10	\$210
79	Thermoplastic Pavement Markings (Type III L Arrow)	84	SF	\$10	\$840
80	4-Inch Thermoplastic Traffic Stripe (27B)	851	LF	\$3	\$2,553
81	6-Inch Thermoplastic Traffic Stripe (39)	680	LF	\$6	\$4,080
82	6-Inch Thermoplastic Traffic Stripe (39A)	200	LF	\$6	\$1,200
83	Retroreflective Pavement Marker (Type H)	15	EA	\$10	\$150
	Additive Bid Alternate 3 Subtotal				\$85,757
	<b>Additive Bid Alternate 3 Total Opinion of Probable Construction Cost</b>				<b>\$85,757</b>

**TOTAL OPINION OF PROBABLE CONSTRUCTION COST \$561.042**

**TOTAL \$617.146**

1	<b>Mobilization/Demobilization</b> =10% of Total Construction Cost (not including contingencies)
2	<b>Excavation</b> for each tree = 24" deep by 64"wide x 64" long
3	<p><b>Landscaping:</b> Materials and Installation of plants, topsoil, fertilizer, compost, weedmat, bark, lawn, wood stakes, and associated materials.</p> <p><b>Irrigation:</b> Materials and Installation of piping, pipe fittings, cleaner and primer, solvent cement, sleeves, irrigation heads, control vlaves, isolation valves, and double check valve, valve boxes and covers, irrigation controllers, drip irrigation, wire and electrical connectors, and associated materials.</p>

## Kevin Caldwell

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**From:** Brett Vivyan [Brett.Vivyan@ghd.com]  
**Sent:** Friday, August 17, 2012 11:26 AM  
**To:** Jim Stretch (cm@riodellicity.com); Kevin Caldwell (kcaldwell@riodellicity.com)  
**Cc:** Merritt Perry  
**Subject:** Updated Plans and Budget for Wildwood Ave. Improvements  
**Attachments:** 90% Plans.pdf; Engineer's Estimate 083011.pdf; 90%\_Engineers\_Estimate.pdf

Jim and Kevin,

Please find the attached, update Plans and Engineer's Estimate, as well as the original Engineer's Estimate for comparison.

After reviewing the estimates, I found that the three islands on the north side of town (#'s 1, 2, and 3) were not properly summed in the estimate we discussed on the phone moments ago. These three islands brought the total construction cost up to ~\$561K from the discussed ~\$500K.

We will have to have another discussion concerning how to bring down the cost to the original estimate. I apologize for not having fully reviewed and confirmed the budget prior to our discussion and any inconvenience this might have created.

A summary of the updated costs are as follows:

Base Bid Total	\$372,375
Additive Bid Alternate 1 Total	\$54,951
Additive Bid Alternate 2 Total	\$47,959
Additive Bid Alternate 3 Total	\$85,757
<b>TOTAL OPINION OF PROBABLE CONSTRUCTION COST</b>	<b>\$561,042</b>

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Contingency (10%)	\$56,104
<b>TOTAL</b>	<b>\$617,146</b>

Original Estimate:

<b>Construction Total</b>	<b>\$ 498,618.00</b>
Environmental and Permitting	\$ 11,000.00
Landscape and Civil Design	\$ 40,000.00
Construction Engineering	\$ 39,000.00
<b>Total Project Estimate</b>	<b>\$ 589,000.00</b>

Let me know if you have any questions or need any more information.

Thanks,

**Brett Vivyan, EIT**  
**Staff Engineer**

**GHD**

T: 707 443 8326 | F: 707 443 8330 | E: [brett.vivyan@ghd.com](mailto:brett.vivyan@ghd.com)  
718 3<sup>rd</sup> Street, Eureka, CA 95501, USA | [www.ghd.com](http://www.ghd.com)



CITY OF RIO DELL SOUTH WILDLWOOD DOWNTON IMPROVEMENTS  
ENGINEER'S ESTIMATE FOR TE APPLICATION  
August 30, 2011

No.	DESCRIPTION	Quantity	Unit	ENGINEER'S ESTIMATE	
				Unit Price	Total
1	Mobilization/Demobilization	1	LS	\$ 25,000.00	\$ 25,000.00
2	Traffic Control System	1	LS	\$ 13,500.00	\$ 13,500.00
6	Remove Concrete (sidewalk, driveway, curb, gutter)	5,600	SF	\$ 4.00	\$ 22,400.00
6	Remove Asphalt Concrete	7,500	SF	\$ 2.00	\$ 15,000.00
8	Relocate Roadside Sign	8	EA	\$ 155.00	\$ 1,240.00
10	Adjust Existing Utilities	10	EA	\$ 370.00	\$ 3,700.00
17	Minor Concrete – Sidewalk	2,400	SF	\$ 7.00	\$ 16,800.00
18	Minor Concrete – Curb and Gutter	1,500	LF	\$ 42.00	\$ 63,000.00
19	Minor Concrete – Stamped Concrete Crosswalk	3,200	SF	\$ 15.00	\$ 48,000.00
20	Minor Concrete – Driveways	1,600	SF	\$ 16.00	\$ 25,600.00
21	Minor Concrete-ADA Curb Ramp	2	EA	\$ 2,500.00	\$ 5,000.00
22	Thermoplastic Traffic Striping (4")	6,364	LF	\$ 2.00	\$ 12,728.00
23	Thermoplastic Traffic Striping (6")	2,790	LF	\$ 5.00	\$ 13,950.00
24	Thermoplastic Crosswalk, Stop Bar, Pavement Markings	700	SF	\$ 8.00	\$ 5,600.00
28	Storm Drain (Reinforced Concrete Pipe) (18")	200	LF	\$ 100.00	\$ 20,000.00
31	Storm Drain Drop Inlet	5	EA	\$ 2,400.00	\$ 12,000.00
32	Gateway Sign	1	LS	\$ 12,000.00	\$ 12,000.00
32	Interpretive Sign	1	LS	\$ 4,500.00	\$ 4,500.00
32	Furnishings (Benches, Waste and Recycling Receptacles)	1	LS	\$ 12,000.00	\$ 12,000.00
36	Water Fountain and Service Connection	1	EA	\$ 2,500.00	\$ 2,500.00
36	Bicycle Rack	4	EA	\$ 2,500.00	\$ 10,000.00
33	Street Trees	22	EA	\$ 600.00	\$ 13,200.00
33	Decorative Tree Grate	22	EA	\$ 400.00	\$ 8,800.00
35	Furnish Decorative Street Lights	13	EA	\$ 8,308.00	\$ 108,100.00
36	Install Decorative Street Lights	13	EA	\$ 1,846.00	\$ 24,000.00
Construction Total				\$	\$ 498,618.00
Environmental and Permitting				\$	\$ 11,000.00
Landscape and Civil Design				\$	\$ 40,000.00
Construction Engineering				\$	\$ 39,000.00
Total Project Estimate				\$	\$ 589,000.00

Attachment 4



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675 Wildwood Avenue  
Rio Dell, CA 95562



TO: Mayor and Members of the City Council

THROUGH: Jim Stretch, City Manager

FROM: Stephanie Beauchaine, Finance Director

A handwritten signature in blue ink, appearing to be "SB", located next to the "FROM:" line.

DATE: August 21, 2012

SUBJECT: Wastewater Rate Study RFP

### **RECOMMENDATION**

By motion approve the Wastewater Rate Study RFP and authorize distribution.

### **BUDGETARY IMPACT**

None

### **BACKGROUND AND DISCUSSION**

A draft Wastewater Rate Study RFP has been prepared as directed by the Council. The RFP describes the City's intent as "not to change the rates, but to reallocate them to customers in a more equitable way based on water consumption."

Included in the RFP is a description of the scope of services requested by the City including:

1. Design a minimum of three consumption based rate models in excel or other commonly used software system. Key factors shall include:
  - a. The new rate structures will be revenue neutral, and based on the current cost of service.
  - b. At least one tiered consumption rate structure will be developed.
  - c. The recommended rate structure will provide direct identification of revenues for each of the major fund categories including; operating,

capital, and debt service.

- d. The recommended rate structure shall be consistent with industry practice for utility rate making in California and comply with the provisions Article XIID of the California Constitution, commonly referred to as Proposition 218.
  - e. The benefits of any proposed modification will be weighed against the financial impact on rate payers.
  - f. Justification for any additionally recommended classes shall be demonstrated.
  - g. The recommended rate structure shall result in no decrease in the stability of revenue as compared to the current structure.
  - h. The recommended rate structure should be easy to administer and understand.
  - i. The City's billing system must be able to calculate and bill the recommended structure.
2. Coordinate with the City's Utility Billing Software (Accufund) tech support to ensure that any rate structure proposed is supported and billable with the current accounting software.
  3. Meet with City Management to explain and review a draft of the recommendations.
  4. Demonstrate the impact of proposed rate changes on various groups of users.
  5. Present the rate recommendations at 1 public meetings of the City Council and two subsequent public hearings on the rate increases.
  6. Train staff how to use the selected model to ensure key staff have the ability to calculate future rate changes.

We are proposing to make the RFP available no later than Friday August 24, 2012.

The proposal opening is scheduled for September 14, 2012 at 3:00 pm, and the screening process will be conducted by the City Manager, Finance Director, and Wastewater Superintendant with an award recommendation made to the City Council at the next regular Council meeting of September 18, 2012.





**REQUEST FOR PROPOSAL  
WASTEWATER RATE STUDY**

**Proposal Opening: September 14, 2012 3:00 p.m.**

**City Hall**

**675 Wildwood Avenue**

**Rio Dell, California, 95562**



# City of Rio Dell Wastewater Rate Study RFP

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## **CITY OF RIO DELL, CALIFORNIA**

### **WASTEWATER RATE STUDY**

### **REQUEST FOR PROPOSALS**

The City of Rio Dell invites qualified firms to submit proposals to provide:

#### **A Wastewater Rate Study**

The City intends to award a single contract to a firm to provide services necessary to complete the project (the “Project”) described herein.

The City of Rio Dell (herein after referred to as the “City”) will receive sealed proposals until 3:00 p.m. on September 14, 2012, at City Hall, 675 Wildwood Avenue, Rio Dell, California 95562.

#### **The City’s contact information for this RFP is:**

Finance Director  
City of Rio Dell  
675 Wildwood Avenue  
Rio Dell, California 95562  
(707)-764-3532  
(707)-764-5480 fax  
Finance1@Riodelcity.com

RFP documents may be obtained via the internet at the City of Rio Dell website at [www.riodelcity.com](http://www.riodelcity.com). If you do not have internet access, you may obtain the documents by contacting the City directly.

The RFP deadline is 3:00 p.m. September 14, 2012. The City reserves the right to waive any informalities or minor irregularities; reject any and all proposals which are incomplete, conditional, unclear, contain unsigned forms, or which contain terms not allowed for; accept or reject any proposal in whole or in part with or without cause; and accept the proposal which best serves the City. All information required by this RFP must be supplied to constitute a proposal.



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# City of Rio Dell Wastewater Rate Study RFP

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### Part I Statement of Work

- A Objective
- B General Information
- C Scope of Work
- D Insurances and Licenses

### Part II General Information

- A Definitions
- B Invitation to Propose; Purpose
- C Contract Awards
- D Proposal Costs
- E Inquiries
- F Timetables
- G Delays
- H Proposal Submission
- I Irregularities; Rejection of Proposals
- J Oral Presentation
- K Insurance and Licenses
- L Proposal Format
- M Evaluation Method and Criteria
- N Submission of Proposal
- O Pre-proposal Meeting
- P Representations and Warranties

### Exhibits

- |            |                          |
|------------|--------------------------|
| RFP Form A | Qualifications Statement |
| RFP Form B | Reference Form           |
| RFP Form C | Price Proposal Form      |

## ***PART I - STATEMENT OF WORK***

### **A. OBJECTIVE**

The City of Rio Dell (City) is soliciting proposals from qualified and experienced firms/individuals to undertake a modified wastewater utility rate study.

### **B. GENERAL INFORMATION**

Incorporated in 1965, The City of Rio Dell is located in Humboldt County approximately 25 miles south of Eureka in Humboldt County. The City is approximately 2 square miles with a population of 3,295.

The City's current wastewater fee structure was established in 2005 and includes four user classifications: Single family dwellings; Multiple family dwellings; Industrial; and Commercial. Customer user fees are charged on a modified flat rate fee structure per ESU. All single family dwellings are considered one ESU. All multiple family dwelling units are assigned ESU's based on how many actual dwelling units exist. All commercial and Industrial customers ESU's are based on average cold weather flow figures from 2005.

The City completed a \$2.5 million Headwork's upgrade in 2011 and is currently in the process of completing a \$13.5 million wastewater facility and effluent disposal project. During the financial planning of these projects, the operating, capital, and debt financing budgets were reviewed, and funded through a rate increase effective March of 2011.

The Council's intent at this time is not to change the rates, but to re-allocate them to customers in a more equitable way based on water consumption. The City's hope is to adjust the rates downward for low volume users, and increase the cost for customers who have a higher impact on the system.

### **C. SCOPE OF WORK**

The following is a description of the scope of services required by the City:

1. Design a minimum of three consumption based rate models in excel or other commonly used software system. Key factors shall include:
  - a. The new rate structures will be revenue neutral, and based on the current cost of service.
  - b. At least one tiered consumption rate structure will be developed.
  - c. The recommended rate structure will provide direct identification of

## City of Rio Dell Wastewater Rate Study RFP

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revenues for each of the major fund categories including; operating, capital, and debt service.

- d. The recommended rate structure shall be consistent with industry practice for utility rate making in California and comply with the provisions Article XIIIID of the California Constitution, commonly referred to as Proposition 218.
  - e. The benefits of any proposed modification will be weighed against the financial impact on rate payers.
  - f. Justification for any additionally recommended classes shall be demonstrated.
  - g. The recommended rate structure shall result in no decrease in the stability of revenue as compared to the current structure.
  - h. The recommended rate structure should be easy to administer and understand.
  - i. The City's billing system must be able to calculate and bill the recommended structure.
2. Coordinate with the City's Utility Billing Software (Accufund) tech support to ensure that any rate structure proposed is supported and billable with the current accounting software.
  3. Meet with City Management to explain and review a draft of the recommendations.
  4. Demonstrate the impact of proposed rate changes on various groups of users.
  5. Present the rate recommendations at 1 public meetings of the City Council and two subsequent public hearings on the rate increases.
  6. Train staff how to use the selected model to ensure key staff have the ability to calculate future rate changes.

### **D. INSURANCE AND LICENSES**

Consultant shall procure and maintain for the duration of the contract insurance against claims for injuries to persons or damages to property which may arise from or in connection with the performance of the work hereunder by the Consultant, its agents, representatives, or employees.

Coverage shall be at least as broad as:

## City of Rio Dell Wastewater Rate Study RFP

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1. **Automobile Liability:** Insurance Services Office Form Number CA 001 covering Code 1 (any auto), or if Consultant has no owned autos, Code 8 (hired) and 9 (non-owned), with a limit no less than \$1,000,000 per accident for bodily injury and property damage.
2. **Workers Compensation:** As required by the State of California, with Statutory Limits, and Employer's Liability Insurance with a limit of no less than \$1,000,000 per accident for bodily injury or disease.
3. **Professional Liability** (Errors and Omissions): Insurance appropriate to the Consultants Profession, with limit no less than \$1,000,000 per occurrence or claim, and \$2,000,000 aggregate.

### Licenses

1. Must have a City of Rio Dell Business License.

# City of Rio Dell Wastewater Rate Study RFP

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## RFP - GENERAL INFORMATION

### PART II

#### A. DEFINITIONS

For the purposes of this Request for Proposals (RFP):

**Proposer** shall mean the contractor, consultant, respondent, organization, firm, or other person submitting a response to this RFP.

**City** shall mean the City of Rio Dell, the City Council and any officials, employees, agents and elected officials as applicable.

#### B. INVITATION TO PROPOSE; PURPOSE

The City solicits proposals from responsible Proposers to perform work for or provide goods and/or services to the City as specifically described in Part I., Section C.

#### C. CONTRACT AWARDS

The City anticipates awarding one contract, but reserves the right to award more than one contract if in its best interest. If the City accepts a Proposal, the City will provide a written notice of the award.

The Proposer understands that neither this RFP nor the notice of award constitutes an agreement or a contract with the Proposer. A contract or agreement is not binding until proposals are reviewed by the City and a written agreement or contract is approved and executed by the City, the successful Proposer, and the City Attorney.

#### D. PROPOSAL COSTS

Neither the City nor its representatives shall be liable for any expenses incurred in connection with preparation of a response to this RFP. Proposers should prepare their proposals simply and economically, providing a straight forward and concise description of the Proposer's ability to meet the requirements of the RFP.

#### E. INQUIRIES

Proposers may mail, electronic mail or fax written inquiries for interpretation of this RFP to the attention of the Finance Director.

#### F. DELAYS

The City may postpone scheduled due dates at its sole discretion. The City will attempt to notify



# City of Rio Dell Wastewater Rate Study RFP

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all registered Proposers of all changes in scheduled due dates.

## G. PROPOSAL SUBMISSION

To facilitate processing, submit one (1) original and seven (7) copies of the proposal in a sealed envelope.

THE CITY MUST RECEIVE ALL PROPOSALS ON OR BEFORE 3 p.m., September 14, 2012.

Late submittals, additions, or changes will not be accepted. Due to the irregularity of mail service, the City cautions Proposers to assure actual delivery of proposals to the City prior to the deadline set for receiving proposals. Telephone confirmation of timely receipt of the proposal may be made by calling the Office of the Finance Director before proposal opening time. Proposers may withdraw their proposals by notifying the City in writing at any time prior to the opening.

Proposals, once opened, become the property of the City and will not be returned to the Proposers. Proposals are public documents and subject to public disclosure.

## H. IRREGULARITIES; REJECTION OF PROPOSALS

The City reserves the right to reject proposals for any reason, to waive any irregularities or informalities, and to solicit and re-advertise for other proposals. Incomplete or non-responsive proposals may be rejected by the City as non-responsive or irregular. The City reserves the right to reject any proposal for any reason, including but without limitation, with or without cause.

## I. ORAL PRESENTATION

At its discretion, the City may require any Proposer to make an oral presentation of the proposal.

## J. INSURANCE AND LICENSES

The successful Proposer, if awarded a contract, shall maintain in full force and effect throughout the contract: (a) insurance coverage reflecting the minimum amounts and conditions required by the City, and (b) any required licenses required by the City. These requirements are detailed further in part Part I., Section D.

## K. PROPOSAL FORMAT

In order to insure a uniform review process and to obtain the maximum degree of comparability, it is required that the proposals be organized in the manner specified herein.

Proposers shall prepare their proposals using the following format:

### 1. Letter of Transmittal

This letter will summarize in a brief and concise manner, the Proposer's understanding of the scope of work and make a positive commitment to provide its services on behalf of the City. The letter must name all of the persons authorized to make representations for or on behalf of the Proposer, and must include their titles, addresses, and telephone numbers. An official